

OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.

Secretary to the Commission

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OPINION 393

Validation, under the Plenary Powers of the generic
name *Mellita* Agassiz (J.L.R.), 1841 (Class Echinoidea)



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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 393

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*Arranged in order of precedence by reference to date of election or of most recent
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lands*) (12th August 1953)

OPINION 393

VALIDATION UNDER THE PLENARY POWERS OF THE GENERIC NAME "MELLITA" AGASSIZ (J.L.R.), 1841 (CLASS ECHINOIDEA)

RULING :—(1) Under the Plenary Powers :—

- (a) the generic name *Mellita* Fabricius (O.), 1823, is hereby suppressed for the purposes both of the Law of Priority and of the Law of Homonymy;
- (b) the generic name *Mellita* (Class Echinoidea) is hereby validated as from Agassiz (J.L.R.), 1841 (*Mon. Echin.*, Sec. Mon. Scutelles : 34), and *Echinodiscus quinquesperforatus* Leske, 1778, is hereby designated as the type species of the genus so named.

(2) The under-mentioned generic name is hereby placed on the *Official List of Generic Names in Zoology* with the Name No. 985 : *Mellita* Agassiz (J.L.R.), 1841, as validated under the Plenary Powers under (1)(b) above (gender : feminine) (type species, by designation under the Plenary Powers under (1)(b) above : *Echinodiscus quinquesperforatus* Leske, 1778).

(3) The under-mentioned generic name is hereby placed on the *Official Index of Rejected and Invalid Generic Names in Zoology* with the Name No. 409 : *Mellita* Fabricius (O.), 1823, as suppressed under the Plenary Powers under (1)(a) above.

(4) The under-mentioned specific name is hereby placed on the *Official List of Specific Names in Zoology* with the Name No. 689 : *quinquesperforatus* Leske, 1778, as published in the combination *Echinodiscus quinquesperforatus* (specific name of type species of *Mellita* Agassiz (J.L.R.), 1841).

I.—THE STATEMENT OF THE CASE

On 1st July 1952 Dr. J. Wyatt Durham (*University of California, Museum of Paleontology, Berkeley, California, U.S.A.*) submitted to the Commission the following application for the validation under the Plenary Powers of the generic name *Mellita* (Class Echinoidea) as from Agassiz (J.L.R.), 1841 :—

**Proposed use of the Plenary Powers to validate the generic name
“*Mellita*” as from Agassiz, 1841 (Class Echinoidea) for use in its
accustomed sense**

By J. WYATT DURHAM

(*Museum of Paleontology, University of California,
Berkeley, California, U.S.A.*)

The purpose of the present application is to ask the International Commission on Zoological Nomenclature to use its Plenary Powers to validate as from Agassiz, 1841, the generic name *Mellita* (Class Echinoidea) for use in its accustomed sense, i.e. with *Echinodiscus quinquesperforatus* Leske, 1778, as type species. A decision on the present case is urgently required in connection with the preparation of the forthcoming *Treatise on Invertebrate Paleontology* and it is hoped therefore that the Commission will give this application all practicable priority.

2. The generic name *Mellita* is now universally employed for the genus typified by *Echinodiscus quinquesperforatus* Leske, 1778 (*Addit. Klein. Nat. Disp. Ech.* : 197) (the species to which is applicable also the pre-Linnean name *Mellita testudinata* Klein). This generic name was first used in this sense by a binominal author after 1757, by Agassiz in 1841 (*Mon. Echin.*, Sec. Mon. des Scutelles : 34), by whom it was credited to Klein. Five species, namely *quinquefora* Agassiz, *testudinata* Klein, *hexapora* Agassiz, *similis* Agassiz, and *lobata* Agassiz were listed and described by Agassiz under this generic name. No type species was designated or selected by Agassiz.

3. In 1884, Pomel (*Class. méth. gen. Echin. viv. et foss.* : 71) specified *Mellita testudinata* Klein as the type species of the genus *Mellita* Klein. *Mellita testudinata* Klein is a pre-Linnean name and thus unavailable, except as validated by Agassiz in 1841. The oldest available name for this species is *Echinodiscus quinquesperforatus* Leske,

1778, which is based upon a reference to Klein's figures of his *testudinata*). All authors since Pomel's time have used the generic name *Mellita* in this sense, crediting it either to Klein or Agassiz, either *Echinodiscus quinquesperforatus* Leske or *Mellita testudinata* Klein being cited as the type species.

4. However, in 1823, O. Fabricius (*Fortenegelse over afg. Biskop Fabriciusses efterladte naturalier* : 110) had used the generic name *Mellita* to include five species (*biforis*, *hexaporus*, *aurita*, *laganum*, *decadactylus*), none of which was listed under this name by Agassiz in 1841, except the species *hexaporus*, which has since (1851) been removed from the genus *Mellita* Agassiz and made the type species of *Leodia* Gray, [1852]. Thus none of the species listed by Fabricius can be used to secure the use of the name *Mellita* Fabricius in the same sense as that in which the name *Mellita* Agassiz (=the pre-Linnean *Mellita* Klein) has been used.

5. If the name *Mellita* Fabricius were to be accepted, all the species currently referred to *Mellita* Agassiz would have to be referred to some other genus, and the name *Mellita* Fabricius would replace one of the well-established names now used for the genera to which the five species cited by Fabricius are referred. Thus, extreme and needless confusion would arise from the use of the name *Mellita* Fabricius.

6. Accordingly, the proposal is hereby submitted that the International Commission on Zoological Nomenclature should :—

(1) use its Plenary Powers :—

- (a) to suppress the name *Mellita* Fabricius, 1823, for the purposes both of the Laws of Priority and Homonymy ;
- (b) to validate the name *Mellita* as from Agassiz, 1841, with *Echinodiscus quinquesperforatus* Leske, 1778, as type species ;

(2) place the generic name *Mellita* Agassiz, 1841 (gender : feminine), as proposed, under (1)(b) above, to be validated under the Plenary Powers (type species, as proposed under (1)(b) above, to be designated under the Plenary Powers : *Echinodiscus quinquesperforatus*), on the *Official List of Generic Names in Zoology* ;

(3) place the name *Mellita* Fabricius, 1823, as proposed, under (1)(a) above, to be suppressed under the Plenary Powers, on the *Official Index of Rejected and Invalid Generic Names in Zoology* ;

- (4) place the trivial name *quinquiesperforatus* Leske, 1778, as published in the combination *Echinodiscus quinquiesperforatus* (trivial name of type species of *Mellita* Agassiz, 1841) on the *Official List of Specific Trivial Names in Zoology*.

II.—THE SUBSEQUENT HISTORY OF THE CASE

2. Registration of the present application : Upon the receipt of Dr. Durham's application, the question of the validation under the Plenary Powers of the generic name *Mellita* (Class Echinoidea) was allotted the Registered Number Z.N.(S.) 677.

3. Publication of the present application : The present application was sent to the printer on 4th July 1952 and was published in the *Bulletin of Zoological Nomenclature* on 29th August of that year (Durham, 1952, *Bull. zool. Nomencl.* 6 : 359—360).

4. Issue of Public Notices : Under the revised procedure prescribed by the Thirteenth International Congress of Zoology, Paris, 1948 (1950, *Bull. zool. Nomencl.* 4 : 5156), Public Notice of the possible use by the International Commission on Zoological Nomenclature of its Plenary Powers in the present case was given on 29th August 1952 (a) in Part 11 of vol. 6 of the *Bulletin of Zoological Nomenclature* (the Part in which Dr. Durham's application was published) and (b) also to the other prescribed serial publications. In addition, such Notice was given also to certain general zoological serial publications.

5. Support received from Professor H. Engel (Zoologisch Museum, Amsterdam, The Netherlands) : Support for the present application was received from Professor H. Engel (*Zoologisch Museum, Amsterdam, The Netherlands*) who on 1st September 1952 addressed the following letter to the Commission on this case (Engel, 1952, *Bull. zool. Nomencl.* 9 : 158) :—

I fully agree with the proposal (Z.N.(S.) 677) of J. Wyatt Durham (1952, *Bull. zool. Nomencl.* 6 : 359—360) to validate the generic name *Mellita* (Class Echinoidea) as from Agassiz, 1841, under the Plenary Powers.

6. No objection received : No objection to the action proposed was received from any source.

III.—THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

7. Issue of Voting Paper V.P.(54)57 : On 5th April 1954, a Voting Paper (V.P.(54)57) was issued in which the Members of the Commission were invited to vote either for, or against, “ the proposal relating to the generic name *Mellita* Agassiz, 1841, as specified in Points (1) to (4) in paragraph 6 on page 360 of volume 6 of the *Bulletin of Zoological Nomenclature* ” [i.e., in the Points numbered as above in paragraph 6 of the application reproduced in the first paragraph of the present *Opinion*].

8. The Prescribed Voting Period : As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 5th July 1954.

9. Particulars of the Voting on Voting Paper V.P.(54)57 : At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(54)57 was as follows :—

(a) *Affirmative Votes had been given by the following nineteen (19) Commissioners (arranged in the order in which Votes were received) :*

Holthuis ; Bonnet ; Hering ; Vokes ; Riley ; Esaki ; Dymond ; Boschma ; Lemche ; Hankó ; do Amaral ; Bradley (J.C.) ; Pearson¹ ; Sylvester-Bradley ; Hemming ; Cabrera ; Stoll ; Jaczewski ; Mertens ;

(b) *Negative Votes :*

None ;

(c) *Voting Papers not returned :*

None.

10. Declaration of Result of Vote : On 7th July 1954, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(54)57, signed a Certificate that the Votes cast were as set out in paragraph 9 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

11. Preparation of the Ruling given in the present “ Opinion ” : On 24th February 1956, Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(54)57.

¹ Commissioner Pearson exercised in this case the right conferred by the Thirteenth International Congress of Zoology, Paris, 1948, under which a Commissioner may, if he so desires, signify his willingness to support the view, or the majority view, of the other members of the Commission (1950, *Bull. zool. Nomencl.* 4 : 50—51).

12. Original References : The following are the original references for the names placed on *Official Lists* and *Official Indexes* by the Ruling given in the present *Opinion* :—

Mellita Fabricius (O.), 1823, *Fortenegelse over afg. Biskop Fabriciusses efterladte naturalier* : 110
Mellita Agassiz (J.L.R.), 1841, *Mon. Echin.*, Sec. Mon. Scutelles : 34
quinquiesperforatus, *Echinodiscus*, Leske, 1778, *Addit. Klein. Nat. Disp. Ech* : 197

13. Family-Group-Name Aspects : The present application was submitted before, under a Directive issued by the Fourteenth International Congress of Zoology, Copenhagen, 1953, it became the duty of the Commission, when placing a generic name on the *Official List of Generic Names in Zoology*, to investigate the question whether that generic name had been taken as the base for the name of a family-group taxon. This question is now being examined on a separate File to which the Registered Number Z.N.(S.) 1113 has been allotted.

14. At the time of the submission of the present application the name applicable to the second portion of a binomen was “trivial name”. This was altered to “specific name” by the Fourteenth International Congress of Zoology, Copenhagen, 1953, which at the same time made corresponding changes in the titles of the *Official List* and *Official Index* of names of this category. These changes in terminology have been incorporated in the Ruling given in the present *Opinion*.

15. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

16. The present *Opinion* shall be known as *Opinion* Three Hundred and Ninety-Three (393) of the International Commission on Zoological Nomenclature.

DONE in London, this Twenty-Fourth day of February, Nineteen Hundred and Fifty-Six.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING